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Promotion and protection of human rights: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 21st, 22nd, 31st and 43rd to 45th meetings, on 18 and 25 October and on 10, 15 and 17 November 2011. An account of the Committee's consideration of the sub-item is contained in the relevant summary records (A/C.3/66/SR.21, 22, 31 and 43-45).

3. For the documents before the Committee under this sub-item, see document A/66/462.

4. At the 21st meeting, on 18 October, the Assistant Secretary-General for Human Rights made an introductory statement (see A/C.3/66/SR.21).

5. At the same meeting, the Chair of the Committee against Torture and the Chair of the Subcommittee on Prevention of Torture made presentations and engaged in a dialogue with the representatives of Chile, the European Union, Liechtenstein, Brazil, the Czech Republic, Pakistan, Norway, Denmark and Panama (see A/C.3/66/SR.21).

6. Also at the same meeting, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made a presentation and engaged in a dialogue with the representatives of Tunisia, the European Union, the United States of America, Switzerland, Norway and Denmark (see A/C.3/66/SR.21).

* The report of the Committee on this item is being issued in five parts, under the symbol A/66/462 and Add.1-4.

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II. Consideration of proposals

A. Draft resolutions A/C.3/66/L.23 and Rev.1

7. At the 31st meeting, on 25 October, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/66/L.23), which read:

> "*The General Assembly*,
>
> "*Recalling* its resolution 64/152 of 18 December 2009,
>
> "1. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-fifth and sixty-sixth sessions;
>
> "2. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its forty-second and forty-third sessions and on its forty-fourth and forty-fifth sessions;
>
> "3. *Invites* the Chairs of the Committees to address and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions under the item entitled 'Promotion and protection of human rights', within existing resources;
>
> "4. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto, including all reservations and declarations, through the United Nations websites."

8. At its 45th meeting, on 17 November, the Committee had before it a revised draft resolution entitled "International Covenants on Human Rights" (A/C.3/66/L.23/Rev.1), submitted by Albania, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Benin, Ecuador, Honduras, India, Madagascar, Paraguay, the United Republic of Tanzania and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.23/Rev.1 (see para. 22, draft resolution I). After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/66/SR.45).

B. Draft resolutions A/C.3/66/L.27 and Rev.1

10. At the 31st meeting, on 25 October, the representative of Brazil, on behalf of Argentina, Australia, Bangladesh, Brazil, the Dominican Republic, Guatemala, Ireland, Jamaica, Panama, Peru, Poland, Portugal, Singapore, Turkey and the United States of America, introduced a draft resolution entitled "World Down Syndrome Day" (A/C.3/66/L.27), which read:

"*The General Assembly*,

"*Recalling* the 2005 World Summit Outcome and the United Nations Millennium Declaration, as well as the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

"*Recalling also* the Convention on the Rights of Persons with Disabilities, according to which persons with disabilities should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the person's active participation in the community and the full enjoyment of all human rights and fundamental freedoms on an equal basis with other persons, and by which States parties undertake to adopt immediate, effective and appropriate measures to raise awareness throughout society regarding persons with disabilities,

"*Affirming* that ensuring and promoting the full realization of all human rights and fundamental freedoms for all persons with disabilities is critical to achieving internationally agreed development goals,

"*Aware* that Down syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition, being universally present across racial, gender and socio-economic lines, and affects approximately 1 in 800 births worldwide, causing intellectual disability and associated medical issues,

"*Deeply concerned* by the prevalence and high rate of Down syndrome in persons in all regions of the world and the consequent development challenges in the areas of long-term health care, education, training and intervention programmes undertaken by Governments, non-governmental organizations and the private sector, as well as its considerable impact on families, communities and societies,

"*Recalling* that adequate access to health care, to early intervention programmes and to inclusive education, as well as appropriate research, are vital to the growth and development of the individual,

"*Recognizing* the inherent dignity, worth and valuable contributions of persons with intellectual disabilities as promoters of the well-being and diversity of their communities, and the importance of their individual autonomy and independence, including the freedom to make their own choices,

"1. *Decides* to designate 21 March as World Down Syndrome Day, to be observed every year beginning in 2012;

"2. *Invites* all Member States, relevant organizations of the United Nations system and other international organizations, as well as civil society, including non-governmental organizations and the private sector, to observe World Down Syndrome Day in an appropriate manner, in order to raise public awareness of Down syndrome;

"3. *Encourages* Member States to take measures to raise awareness throughout society, including at the family level, regarding persons with Down syndrome;

"4. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations."

11. At its 43rd meeting, on 10 November, the Committee had before it a revised draft resolution entitled "World Down Syndrome Day" (A/C.3/66/L.27/Rev.1), submitted by Argentina, Australia, Austria, Bangladesh, Belarus, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Costa Rica, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Jamaica, Luxembourg, Malta, Mexico, Monaco, Panama, Peru, the Philippines, Poland, Portugal, Romania, Singapore, Slovenia, Spain, the Syrian Arab Republic, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Albania, Armenia, Bhutan, Bosnia and Herzegovina, Burundi, Colombia, Eritrea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Jordan, Latvia, Lithuania, Malaysia, Mauritania, Morocco, Montenegro, Nicaragua, Paraguay, Qatar, the Republic of Korea, the Republic of Moldova, San Marino, Serbia, the former Yugoslav Republic of Macedonia, Timor-Leste and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

12. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.27/Rev.1 (see para. 22, draft resolution II).

C. Draft resolutions A/C.3/66/L.28 and Rev.1

13. At the 31st meeting, on 25 October, the representative of Denmark, on behalf of Albania, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Micronesia (Federated States of), Montenegro, Morocco, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/66/L.28), which read:

"*The General Assembly*,

"*Reaffirming* that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

"*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

"*Recalling also* that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

"*Recalling further* the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

"*Emphasizing* the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment and of abiding strictly by the definition of torture contained in article 1 of the Convention,

"*Noting* that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

"*Welcoming* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, the implementation of which will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not ratified or acceded to the Convention to consider doing so,

"*Commending* the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres

for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

"*Deeply concerned* with increasing acts of torture and other cruel, inhuman or degrading treatment or punishment committed against peaceful protesters,

"1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

"2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

"3. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges all States to consider establishing, or maintaining and enhancing, independent and effective mechanisms with qualified legal and other expertise to undertake effective monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms;

"4. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

"5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions, and urges States to ensure accountability for all such acts;

"6. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty, where the prohibited act is found to have been committed;

"7. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to prevent and combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;

"8. *Encourages* States to establish or maintain appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment;

"9. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

"10. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction or other prejudice against any person or organization for having been in contact with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

"11. *Calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

"12. *Calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities, are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

"13. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty and that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

"14. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

"15. *Stresses* the contribution of the International Criminal Court to ending impunity by seeking to ensure accountability and punishment of perpetrators of torture and other cruel, inhuman or degrading treatment, and encourages States that have not yet done so to consider ratifying or acceding as a matter of priority to the Rome Statute, which now has 119 States parties;

"16. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, encourages States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"17. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

"18. *Urges* States not to expel, return ('refouler'), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

"19. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

"20. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

"21. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress without suffering any retribution for bringing complaints or giving evidence, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

"22. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"23. *Reminds* all States that prolonged incommunicado detention or detention in secret places is known to facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

"24. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement;

"25. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of goods and equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

"26. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

"27. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee as soon as possible;

"28. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

"29. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention, recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working methods;

"30. *Invites* the Chairs of the Committee and of the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the sub-item entitled 'Implementation of human rights instruments';

"31. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance

for the development, production and distribution of teaching material for this purpose;

"32. *Takes note with appreciation* of the interim report of the Special Rapporteur, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

"33. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

"34. *Calls upon all* States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

"35. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

"36. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

"37. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

"38. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-seventh session a report on the operations of the Funds;

"39. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

"40. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

"41. *Decides* to consider at its sixty-seventh session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment."

14. At its 43rd meeting, on 10 November, the Committee had before it a revised draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/66/L.28/Rev.1), submitted by Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Belize, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Tunisia, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Bolivia (Plurinational State of), Nicaragua, the Niger, Sierra Leone and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

15. At the same meeting, the representative of Denmark orally revised the text as follows:

(a) In the ninth preambular paragraph, the words "peaceful protesters" were replaced with the words "persons exercising their rights of peaceful assembly and freedom of expression"; and the words "all situations and" were deleted before "all regions";

(b) Operative paragraph 8 was moved and renumbered as paragraph 6 and existing operative paragraphs 6 and 7 were renumbered accordingly;

(c) In operative paragraph 14, the words "acknowledges the efforts" were replaced with the words "notes the efforts"; and the words "bearing in mind its principle of complementarity" were inserted after the words "Rome Statute";

(d) In operative paragraph 22, the words "is known to facilitate" were replaced with the words "can facilitate".

16. At its 43rd meeting, the Committee adopted draft resolution A/C.3/66/L.28/Rev.1, as orally revised (see para. 22, draft resolution III).

D. Draft resolutions A/C.3/66/L.29 and Rev.1

17. At the 31st meeting, on 25 October, the representative of Mexico, on behalf of Argentina, Australia, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Finland, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Jamaica, Jordan, Latvia, Luxembourg, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Peru, Portugal, Sierra Leone, Slovakia, Spain, Sweden, Thailand and Togo, introduced a draft resolution entitled "Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto" (A/C.3/66/L.29), which read:

"*The General Assembly*,

"*Recalling* its previous relevant resolutions, the most recent of which was resolution 64/154 of 18 December 2009, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

"*Noting* the request of the Committee on the Rights of Persons with Disabilities that the General Assembly authorize an extension of its meeting time,

"*Noting also* that the Committee has a unique operative environment and currently only meets for two sessions of one week a year,

"1. *Welcomes* the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 30 March 2007, one hundred and forty-nine States have signed and one hundred and three States have ratified the Convention and ninety States have signed and seventy-two States have ratified the Optional Protocol, and that one regional integration organization has ratified the Convention;

"2. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

"3. *Welcomes* the holding of the third and fourth sessions of the Conference of States Parties to the Convention and the work of the Committee on the Rights of Persons with Disabilities;

"4. *Decides* to authorize the Committee to meet for an additional week per year in order to address the reports awaiting consideration, and also decides to review, during the sixty-seventh session of the General Assembly, the extension of the Committee's sessions;

"5. *Invites* the Chairperson of the Committee to address and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions, under the item entitled 'Promotion and protection of human rights', as a way to enhance communication between the Assembly and the Committee;

"6. *Welcomes* the report of the Secretary-General and the activities undertaken in support of the Convention;

"7. *Encourages* the Inter-Agency Support Group on the Convention to continue its work to mainstream the Convention throughout the United Nations system through its joint strategy and action plan approved in 2010, and calls upon the Department of Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights to continue strengthening their cooperation in this regard;

"8. *Invites* the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol, including by providing assistance with a view to achieving universal adherence;

"9. *Requests* the Secretary-General to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations, including interim arrangements;

"10. *Also requests* the Secretary-General to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities;

"11. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

"12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the status of the Convention and the Optional Protocol, and the implementation of the present resolution."

18. At its 44th meeting, on 15 November, the Committee had before it a revised draft resolution entitled "Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto" (A/C.3/66/L.29/Rev.1), submitted by Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Jordan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Montenegro, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Samoa, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, the Sudan, Sweden, Thailand, the

former Yugoslav Republic of Macedonia, Togo, Turkmenistan, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Vanuatu. Subsequently, Albania, Armenia, Azerbaijan, Belize, Burkina Faso, Cameroon, the Dominican Republic, Ethiopia, Guinea-Bissau, Kyrgyzstan, Lebanon, Lesotho, Liberia, Malaysia, Mali, Myanmar, Namibia, the Niger, Panama, Paraguay, the Republic of Moldova, the Russian Federation, San Marino, South Africa, Suriname, Swaziland, Tunisia, Turkey, the United States of America and Uruguay joined in sponsoring the draft resolution.

19. At the same meeting, the attention of the Committee was drawn to the statement of programme budget implications contained in document A/C.3/66/L.58.

20. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/66/L.29/Rev.1 (see para. 22, draft resolution IV).

21. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/66/SR.44).

III. Recommendations of the Third Committee

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
International Covenants on Human Rights

The General Assembly,

Recalling its resolution 64/152 of 18 December 2009,

1. *Welcomes* the annual report of the Human Rights Committee submitted to the General Assembly at its sixty-fifth session;[1]

2. *Also welcomes* the report of the Committee on Economic, Social and Cultural Rights on its forty-second and forty-third sessions[2] and on its forty-fourth and forty-fifth sessions;[3]

3. *Invites* the Chairs of the Committees to address and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions under the item entitled "Promotion and protection of human rights", within existing resources;

4. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto, including all reservations and declarations, through the United Nations websites.

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[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 40* (A/65/40), vols. I and II.

[2] *Official Records of the Economic and Social Council, 2010, Supplement No. 2* (E/2010/22).

[3] Ibid., *2011, Supplement No. 2* (E/2011/22).

Draft resolution II
World Down Syndrome Day

The General Assembly,

Recalling the 2005 World Summit Outcome[1] and the United Nations Millennium Declaration,[2] as well as the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

Recalling also the Convention on the Rights of Persons with Disabilities,[3] according to which persons with disabilities should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the person's active participation in the community and the full enjoyment of all human rights and fundamental freedoms on an equal basis with other persons, and by which States parties undertake to adopt immediate, effective and appropriate measures to raise awareness throughout society regarding persons with disabilities,

Affirming that ensuring and promoting the full realization of all human rights and fundamental freedoms for all persons with disabilities is critical to achieving internationally agreed development goals,

Aware that Down syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition, exists in all regions across the globe and commonly results in variable effects on learning styles, physical characteristics or health,

Recalling that adequate access to health care, to early intervention programmes and to inclusive education, as well as appropriate research, are vital to the growth and development of the individual,

Recognizing the inherent dignity, worth and valuable contributions of persons with intellectual disabilities as promoters of the well-being and diversity of their communities, and the importance of their individual autonomy and independence, including the freedom to make their own choices,

1. *Decides* to designate 21 March as World Down Syndrome Day, to be observed every year beginning in 2012;

2. *Invites* all Member States, relevant organizations of the United Nations system and other international organizations, as well as civil society, including non-governmental organizations and the private sector, to observe World Down Syndrome Day in an appropriate manner, in order to raise public awareness of Down syndrome;

3. *Encourages* Member States to take measures to raise awareness throughout society, including at the family level, regarding persons with Down syndrome;

4. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations.

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[1] See resolution 60/1.

[2] See resolution 55/2.

[3] Resolution 61/106, annex I.

Draft resolution III
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, that must be respected and protected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1] without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment and of abiding strictly by the definition of torture contained in article 1 of the Convention,

Noting that, under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the implementation of

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[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[2] Ibid., vol. 75, Nos. 970-973.

[3] Ibid., vol. 2187, No. 38544.

[4] Resolution 61/177, annex.

which will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Commending the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

Deeply concerned with all acts which can amount to torture and other cruel, inhuman or degrading treatment or punishment committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges States to consider establishing, appointing, maintaining or enhancing independent and effective mechanisms with qualified expertise to undertake monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms;

4. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or

[5] United Nations, *Treaty Series*, vol. 2375, No. 24841.

through judicial decisions, and urges States to ensure accountability of those responsible for all such acts;

6. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention, or other place where persons are deprived of their liberty, where the prohibited act is found to have been committed;

8. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[6] as a useful tool in efforts to prevent and combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;[7]

9. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction or other prejudice against any person or organization for having been in contact with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

11. *Calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

12. *Calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[8] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

13. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty and that persons charged

[6] Resolution 55/89, annex.

[7] See E/CN.4/2005/102/Add.1.

[8] Resolution 61/106, annex I.

with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

14. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished, and in this regard notes the efforts of the International Criminal Court to end impunity by seeking to ensure accountability and punishment of perpetrators of such acts, in accordance with the Rome Statute,[3] bearing in mind its principle of complementarity, and encourages States that have not yet done so to consider ratifying or acceding to the Rome Statute;

15. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, encourages States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

16. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

17. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

18. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

19. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

20. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress without suffering any retribution for bringing complaints or giving evidence, have access to justice, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

21. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

22. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

23. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement when it amounts to torture or other cruel, inhuman or degrading treatment or punishment;

24. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

25. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

26. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee as soon as possible;

27. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

28. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention,[9] recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working methods;

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[9] To be issued as *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 44* (A/66/44).

29. *Invites* the Chairs of the Committee and of the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the sub-item entitled "Implementation of human rights instruments";

30. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

31. *Takes note with appreciation* of the interim report of the Special Rapporteur,[10] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

32. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

33. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

34. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

35. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

[10] See A/66/268.

36. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

37. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-seventh session a report on the operations of the Funds;

38. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

39. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

40. *Decides* to consider at its sixty-seventh session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Draft resolution IV
Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

The General Assembly,

Recalling its previous relevant resolutions, the most recent of which was resolution 64/154 of 18 December 2009, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

Noting the request of the Committee on the Rights of Persons with Disabilities, contained in annex XVI to its report,[1] that the General Assembly authorize an extension of its meeting time,

Noting also that document and translation costs for the reports of States parties constitute the largest part of the budget for the Committee,

Noting further that while the Convention on the Rights of Persons with Disabilities[2] has enjoyed a very high level of ratification in a short time, the Committee currently meets for only two sessions of one week per year, and noting that, in particular cases, members of the Committee may require reasonable accommodation, as defined in the Convention,

1. *Welcomes* the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities[2] and the Optional Protocol thereto[3] on 30 March 2007, one hundred and fifty-three States have signed and one hundred and six States have ratified the Convention and ninety States have signed and sixty-four States have ratified the Optional Protocol, and that one regional integration organization has ratified the Convention;

2. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

3. *Welcomes* the holding of the third and fourth sessions of the Conference of States Parties to the Convention and the work of the Committee on the Rights of Persons with Disabilities;

4. *Invites* States parties to adhere to the page limit established by the Committee for reports of States parties, and notes that this would reduce the operating costs of the Committee;

5. *Notes* the ongoing process of reform aimed at strengthening the treaty body system, including the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system,[4] and invites the Committee, in the context of this strengthening process, to continue to enhance its working methods and efficiency, including by sharing good practices with other treaty bodies;

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 55* (A/66/55).

[2] Resolution 61/106, annex I.

[3] Ibid., annex II.

[4] A/66/344.

6. *Decides* to authorize for the Committee an additional week of meeting time per year to be used consecutive to an existing regular session, bearing in mind the requirements of the Committee for reasonable accommodation, and without prejudice to the ongoing process of reform aimed at strengthening the treaty body system;

7. *Invites* the Chair of the Committee on the Rights of Persons with Disabilities to present an oral report on the work of the Committee and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

8. *Welcomes* the report of the Secretary-General[5] and the activities undertaken in support of the Convention;

9. *Encourages* the Inter-Agency Support Group on the Convention to continue its work to mainstream the Convention throughout the United Nations system through its Joint Strategy and Action Plan approved in 2010, and calls upon the Department of Economic and Social Affairs of the Secretariat and the Office of the United Nations High Commissioner for Human Rights to continue strengthening their cooperation in this regard;

10. *Invites* the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol, including by providing assistance with a view to achieving universal adherence;

11. *Requests* the Secretary-General to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations, including interim arrangements;

12. *Also requests* the Secretary-General to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities;

13. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

14. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the status of the Convention and the Optional Protocol, and the implementation of the present resolution.

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[5] A/66/121.